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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROLAND POUNCY,

No. C 16-2655 WHA (PR)

Petitioner,

ORDER OF DISMISSAL

v.

RONALD RACKLEY, Warden,

Respondent.

This is a habeas case brought pro se by a state prisoner under 28 U.S.C. 2254 challenging his state court conviction. Respondent's motion to dismiss the amended petition for failure to exhaust state court remedies as to certain claims was unopposed and granted. Petitioner was offered three avenues to proceed with his petition — dismissal without prejudice, further amend the petition to include only unexhausted claims, or a stay to exhaust claims in state court followed by returning to federal court with all exhausted claims. He was cautioned that if he did not notify the court which of these three choices he would pursue, the case would be dismissed without prejudice. The deadline for doing so was subsequently extended to June 4, 2018. Petitioner has not filed a notice indicating which avenue he wants to pursue. Accordingly, this case is **DISMISSED** without prejudice to petitioner filing a new petition containing only claims that have been exhausted through all available state court remedies.

1 No certificate of appealability is warranted in this case because a reasonable jurist would
2 not find the dismissal of this petition debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484
3 (2000). The clerk shall enter judgment and close the file.

4 **IT IS SO ORDERED.**

5 Dated: June 18, 2018.



6 WILLIAM ALSUP
7 UNITED STATES DISTRICT JUDGE
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